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SD2008700244

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ESAU ROGERS, Plaintiff, **v.** **S. RIVAS, et al.,** Defendants.	07-CV-02010 W-JMA **DECLARATION OF D. DeGEUS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** Hearing: June 26, 2008 Time: 9:00 a.m. Courtroom: D Judge: The Honorable Jan M. Adler

I, D. DeGEUS, declare as follows:

1. I am employed by the State of California, with the California Department of Corrections and Rehabilitation ("CDCR"). My current position is Correctional Counselor II/Appeals Coordinator at the Centinela State Prison (CEN). The appeals office receives all inmate appeals (CDCR Form 602 or 1824 ADA) submitted by inmates at the institutional level. I am familiar with CDCR's inmate appeals process and the processing of inmate appeals at CEN. I have held this position since February of 2000.

2. The California Code of Regulations, Title 15, § 3084.1(a), Right to Appeal, states, "Any inmate or parolee under the department's jurisdiction may appeal any departmental decision, action, condition, or policy, which they can demonstrate as having an adverse effect upon their welfare."

3. There are four levels of appeal review; one (1) informal and three (3) formal levels (Cal. Code of Regs., tit.15, §3084.5). The Informal Level of review is that at which the appellant and staff involved in the action or decision attempt to resolve the grievance informally. If the inmate is not satisfied with the Informal Level response, he may submit the appeal for a Formal Level of review. The First Formal Level of review is addressed at the Division Head level or his/her designee. If the inmate is not satisfied with the Formal Level response, he may submit for a Second Level of review. The Second Level of review is conducted by the Institution Head or his/her designee. If the inmate is not satisfied with the Second Level response, he submits it to the Third Level of review, which constitutes the CDCR Director's decision on an appeal.

4. When an appeal is properly and timely submitted at the formal level, it is immediately assigned a log number—regardless of its disposition—for tracking purposes and to prevent inmates from asserting staff lost the appeal. If an appeal is not properly or timely submitted, it will not be filed, but is instead "screened-out" and returned to the inmate with written instructions on how to cure the defects, if possible.

5. The California Attorney General's Office requested this Office search our records to ascertain if inmate Esau Rogers, CDCR No. P-54800, has filed any inmate appeals pertaining to allegations of staff misconduct, harassment, and excessive or punitive cell searches and confiscation of his property.

6. A thorough search of our records, which are kept in the ordinary course of business at or near the time this Office receives an inmate appeal, revealed that Plaintiff timely submitted and this Office processed or is processing for review through the Second Level the following appeals:

(a) On February 22, 2001, this Office received an appeal from inmate Rogers (Plaintiff) regarding a program issue. The appeal was assigned Appeal Log No. CEN-C-01-

00377. On May 1, 2001, the appeal was granted in part. Plaintiff did not submit the appeal to the next level of review.

(b) On June 6, 2002, this Office received an appeal from Plaintiff regarding complaints against a staff. The appeal was assigned Appeal Log No. CEN-D-02-00646. On July 15, 2002, the appeal was granted in part at the First Level of review. Plaintiff did not submit the appeal to the next level of review.

(c) On April 25, 2004, this Office received an appeal from Plaintiff regarding work incentive issues against Correctional Counselor Nickles. The appeal was assigned Appeal Log No. CEN-D-03-00640. On May 22, 2003, the appeal was canceled.

(d) On June 29, 2004, this Office received an appeal from Plaintiff regarding an alleged use of excessive force by Officers Arias and Garcia. The appeal was assigned Appeal Log No. CEN-D-04-00943. On July 15, 2004, the appeal was granted in part at the Second Level of review. Plaintiff was dissatisfied with the Second Level decision, and submitted the appeal for a Third Level of review on September 24, 2004. On December 21, 2004, the appeal was canceled in accordance with California Code of Regulations, title 15, section 3084.3(c)(7), screening appeals, because the appeal was filed on behalf of another inmate.

(e) On November 21, 2005, this Office received an appeal from Plaintiff regarding allegations of unprofessional conduct by Officer Rivas, in that Officer Rivas allegedly refused to allow Plaintiff and his cell-mate to take individual showers, and that Officer Rivas also allegedly denied Plaintiff cleaning supplies for his cell. The appeal was assigned Appeal Log No. CEN-D-05-1785. On December 1, 2005, the appeal was partially granted at the First Level of review, and was also withdrawn by Plaintiff on the same date.

(f) On January 25, 2006, this Office received an appeal from Plaintiff regarding living conditions. The appeal was assigned Appeal Log No. CEN-D-06-00057. The appeal was denied at the informal level of review on January 19, 2006. Plaintiff was dissatisfied with the Informal level decision, and submitted the appeal for a First Level of review. On February 28, 2006, the appeal was denied at the First Level of review. Plaintiff was dissatisfied with the result, and submitted the appeal for a Third Level review. On May 14, 2006, the appeal was screened out at the Third Level review for Plaintiff's failure to complete the Second Level review process at the institution.

(g) On July 26, 2006, this Office received an appeal from Plaintiff regarding a medical issue. The appeal was assigned Appeal Log No. CEN-C-06-00570. The appeal was partially granted at the Informal Level of review on July 18, 2006. Plaintiff was dissatisfied with the result, and resubmitted the appeal on July 24, 2006 for a First Level review. On August 11, 2006, the appeal was screened out and returned, because Plaintiff noted additional issues to the next level of review. Plaintiff was notified that his issue(s) must remain the same if he wanted to proceed to the next level of review.

(h) On September 14, 2006, this Office received an appeal from Plaintiff regarding a medical issue against Dr. Espinoza. The appeal was assigned Appeal Log No. CEN-D-06-00904. The appeal was denied at the informal level of review on August 31, 2006, and was again denied at the First Level of review on October 27, 2006. Plaintiff was dissatisfied with the First Level decision, and on November 6, 2006, submitted the appeal for a Second Level of review. On November 14, 2006, the appeal was denied at the Second Level of review. Plaintiff was dissatisfied with the Second Level decision, and on February 21, 2007, submitted the appeal for a Third Level of review. The appeal was denied at the Third Level of review on May 16, 2007.

(i) On December 4, 2006, this Office received an appeal from Plaintiff regarding allegations that he was verbally disrespected by Officer Rivas, who allegedly harassed him by conducting numerous cell searches, and allegedly confiscated his state issued clothing. The appeal was assigned Appeal Log No. CEN-D-06-01165. The appeal was granted in part at the First Level or review on February 9, 2007. Plaintiff was dissatisfied with the First Level decision, and on February 15, 2007, submitted the appeal for a Second Level of review. On March 15, 2007, the appeal was granted in part at the Second Level of review. Plaintiff was dissatisfied with the Second Level decision, and on March 27, 2007, submitted the appeal for a Third Level of review. The appeal was granted in part at the Third level of review on June 13, 2007. This appeal did not name any prison official other than Officer Rivas, nor did it mention any of the allegations against other prison officials detailed in paragraph 5 of this declaration.

(j) On June 26, 2007, this Office received an appeal from Plaintiff regarding allegations of staff complaint/medical issue against Officer Kaivan. The appeal was assigned Appeal Log No. CEN-07-00690. The appeal was granted in part at the First Level of review on August 13, 2007. Plaintiff was dissatisfied with the First Level decision, and on August 21, 2007, submitted the appeal for a Second Level of review. On September 20, 2007, the Appeal was granted in part at the Second Level of review. Plaintiff was dissatisfied with the Second Level decision, and on September 27, 2007, submitted the appeal for a Third Level of review. The appeal was granted in part at the Third Level of review on December 21, 2007.

(k) On November 26, 2007, this Office received an appeal from Plaintiff regarding allegations of harassment by Officer Rivas, alleging that Officer Rivas' behavior was racially motivated. The appeal was assigned Appeal Log No. CEN-07-01377. The appeal was granted in part at the First Level of review on December 13, 2007, in that an inquiry regarding Plaintiff's allegations was conducted. Plaintiff was dissatisfied with the First Level decision, and submitted the appeal for a Second Level review on December 18, 2007. On January 14, 2008, the appeal was granted in part at the Second Level of review. Plaintiff was dissatisfied with the Second level decision, and submitted the appeal for a Third level review on January 24, 2008. The Third Level decision for this appeal is currently pending. This appeal did not name any prison official other than Officer Rivas, nor did it mention any of the allegations against other prison officials detailed in paragraph 5 of this declaration. True and correct copies of Appeal Log No. CEN-07-01377, as well as copies of decisions are attached hereto as Exhibit A.

7. A thorough search of records, which are kept in the ordinary course of business at or near the time this office receives an inmate appeal, show that this office screened-out only one appeal from 1999. The appeal is not relevant to the allegations in this case.

8. This Office has not processed or accepted for review any appeals filed by Esau Rogers, CDCR No. P-54800, pertaining to allegations of staff misconduct, harassment, failure to investigate, conspiracy, and/or excessive cell searches and confiscation of property, by Defendants Almager, Batchelor, DeGeus, Hernandez, Soukup, and Stein.

///

9. The CEN Inmate\Parolee Appeals Tracking System Level I & II (IATS) printout attached hereto as Exhibit B shows all appeals that have been submitted to the appeals office by Plaintiff.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed this 15th day of May 2008, in Imperial, California.

D. DeGeus

D. DeGeus

LIST OF EXHIBITS

Exhibit	Document	Page
A	Appeal Log No. CEN-07-01377; Second Level Decision; and First Level Decision	A-001-006
B	Inmate Appeals Tracking System - Level I & II for Inmate Esau Rogers, CDCR No. P-54800	B-001-002

Rogers, Esau v. Rivas, et al.
USDC-Southern District Court Case No. 07-CV-02010 W-JMA

EXHIBIT A

Appeal Log No. CEN-07-01377; Second Level Decision; and
First Level Decision

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region 1. Cen. D 2.

Log No. 1. 07-1377 2.

Category 1

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
ROGERS E.	P-54800	3rd watch PORTER	D3-123L

A. Describe Problem: ON 11-14-07 C/O RIVAS was conducting showers for Blacks & Hispanics. While showering C/O Rivas conducted a search of my cell, after I'd finish showering I'd notice C/O Rivas conducting a search of cell 118, I respectfully ask her for a cell search slip when she'd got finish, then I Lock it up C/O Rivas then return to my door, Ask me to step out and sit at the table while she conduct another search of my cell, then told me to lock it up. This officer and I have had conflict in the past, I was granted partially for her verbal disrespect of me. There's a clear sign of harassment from this officer toward me, it appears its racially motivated something clearly needs to be done with this officer, I'm out of options. Title 15 violations 3287(2) 3004(A)(B)(C)

If you need more space, attach one additional sheet.

B. Action Requested: Once AGAIN I request this officer be removed from the building or facility which ever serve best.

Inmate/Parolee Signature: Esau Rogers Date Submitted: 11-14-07

C. INFORMAL LEVEL (Date Received:)

Staff Response:

BYPASS

Staff Signature: Date Returned to Inmate:

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: Date Submitted:

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

2007 NOV 26 AM 10:00

CSP-CENTINELA INMATE APPEALS

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other ____________

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: NOV 2 6 2007 Due Date: JAN 0 9 2008

Interviewed by: ____________

Staff Signature: ____________ Title: ____________ Date Completed: 12/4/07

Division Head Approved: Returned

Signature: ____________ Title: ____________ Date to Inmate: DEC 1 3 2007

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: ____________ Date Submitted: ____________

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other ____________

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: ____________ Due Date: ____________

☐ See Attached Letter

Signature: ____________ Date Completed: ____________

Warden/Superintendent Signature: ____________ Date Returned to Inmate: ____________

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: ____________ Date Submitted: ____________

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other ____________

☐ See Attached Letter

Date: ____________

CDC 602 (12/87)

STATE OF CALIFORNIA
RIGHTS AND RESPONSIBILITY STATEMENT
CDCR 1858 (Rev. 10/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] **FOR ANY IMPROPER POLICE** [or peace] **OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS'** [or inmates'/parolees'] **COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN** [or inmate/parolee] **COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.**

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
ESAU ROGERS	Esau Rogers	P-54800	12-4-07
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	
Sgt. E.T. STEIN	[signature]	12/04/07	

DISTRIBUTION:
ORIGINAL -
Public - Institution Head/Parole Administrator
Inmate/Parolee - Attach to CDC form 602
Employee - Institution Head/Parole Administrator
COPY - Complainant

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

CDC 1858 (2/97)

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. [An inmate/parolee who makes a complaint against a departmental peace officer, knowing it is false, may be issued a serious disiplinary rule violation, in addition to being prosecuted on a misdemeanor charge.]

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
ESAU ROGERS	Esau Rogers	[redacted] 11-14-07	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
ESAU ROGERS	Esau Rogers	P-54800	[redacted] 11-14-0
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

DISTRIBUTION:
ORIGINAL -
Public - Institution Head/Parole Administrator
Inmate/Parolee - Attach to CDC form 602
Employee - Institution Head/Parole Administrator
COPY - Complainant

State of California ...artment of Corrections and Rehabilitation

Memorandum

Date : December 4, 2007

To : MR. ROGERS, P54800
Facility D, Housing Unit 3, Cell 123L
Centinela State Prison

Subject : **STAFF COMPLAINT RESPONSE**
APPEAL LOG # CEN-D-07-01377

02/377

S/e

APPEAL ISSUE: Alleges staff violated his religious freedom by denying him access to religious services.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review, your appeal has been handled as follows:

☒ PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY
☐ REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any internal affairs investigation)

SUMMARY FOR APPEAL INQUIRY:
You were interviewed on December 4, 2007, by E. T. Stein, Facility D Program Sergeant, and stated your complaint is against S. Rivas, Correctional Officer in building three. You claim that Correctional Officer Rivas harasses Black inmates. You stated that Rivas picks on only certain Black inmates and never harasses the White or Hispanic inmates. You also stated that you feel this is racially motivated behavior.

FINDINGS FOR AN APPEAL INQUIRY:
Your appeal is Partially Granted at the ☒ First Level, as an inquiry into your allegation has been conducted. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review, up to and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

D Paramo — 12/6/07

D. PARAMO, Associate Warden Complex II — Date

State of California Department of Corrections

Memorandum

Date : JAN 1 4 2008

To : ROGERS, # P54800
Centinela State Prison

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # CEN-D-07-01377**

APPEAL ISSUE: Alleges staff violated his religious freedom by denying him access to religious services..

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY

SUMMARY FOR APPEAL INQUIRY:
You were interviewed on December 4, 2007 by E.T. Stein, Facility D Program Sergeant and you stated your complaint is against S. Rivas, Correctional Officer in building three. You claim that Correctional Officer Rivas harasses Black inmates. You stated that Rivas picks on only certain Black inmates and never harasses the White or Hispanic inmates. You also stated that you feel this is racially motivated behavior.

A Confidential Inquiry will be conducted. The following witness(es) were questioned: Rogers, P54800. The following information was reviewed as a result of your allegations of staff misconduct: Procedures for conducting and documenting cell searches.

FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the Second level:

An inquiry into your allegation has been conducted.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of any inquiry will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. However, you have the right to be notified if after a review of your allegations, it is determined that staff violated CDCR policy. In this case:

The inquiry is complete. Staff did not violate CDCR policy.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

Please print and sign below:

[signature] CDW(A) 1-11-08

V. M. Almager Date
Warden
Centinela State Prison

S/C 07-1377

Rogers, Esau v. Rivas, et al.
USDC-Southern District Court Case No. 07-CV-02010 W-JMA

EXHIBIT B

Inmate Appeals Tracking System - Level I & II
for Inmate Esau Rogers, CDCR No. P-54800

70123711.wpd

Centinela State Prison

05/13/2008

CALIFORNIA DEPARTMENT OF CORRECTIONS

Inmate/Parolee Appeals Tracking System - Level I & II

Appeal Listing

Sorted By: CDC Number

CDC Number	Appellant Name	Area Of Origin	Issue	Log Number	Group Appeal
P54800	ROGERS, E	RJD/SAN DIEGO	PROPERTY	CEN-C-	
Informal Review:	Received: 12/23/1999	Due:	Completed:	Disposition:	
P54800	ROGERS, E	C FAC HOUSING	PROGRAM	CEN-C-01-00377	
Level I Review:	Received: 02/22/2001	Due: 04/26/2001	Completed: 05/01/2001	Disposition: GRANTED	
P54800	ROGERS, E	D FAC HOUSING	STAFF COMPLAINTS	CEN-D-02-00646	
Level I Review:	Received: 06/05/2002	Due: 07/18/2002	Completed: 07/15/2002	Disposition: GRANTED IN PART	
P54800	ROGERS, E	D FAC HOUSING	STAFF COMPLAINTS	CEN-D-	
P54800	ROGERS, E	D FAC HOUSING	WORK INCENTIVE	CEN-D-	
P54800	ROGERS, E	D FAC HOUSING	WORK INCENTIVE	CEN-D-03-00640	
Level I Review:	Received: 04/25/2003	Due: 06/09/2003	Completed: 05/22/2003	Disposition: CANCELLED	
P54800	ROGERS, E	D FAC HOUSING	STAFF COMPLAINTS	CEN-D-04-00943	
Level I Review:	Received: 06/29/2004	Due: 08/11/2004	Completed: 07/13/2004	Disposition: CANCELLED	
Level II Review:	Received: 07/13/2004	Due: 08/17/2004	Completed: 07/15/2004	Disposition: GRANTED IN PART	
Level III Review:			Completed: 12/21/2004	Disposition: CANCELLED	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-05-01785	
Level I Review:	Received: 11/21/2005	Due: 01/04/2006	Completed: 12/28/2005	Disposition: WITHDRAWN	
P54800	ROGERS, E	D FAC BLDG 3	LIVING CONDITIONS	CEN-D-06-00057	
Level I Review:	Received: 01/25/2006	Due: 03/10/2006	Completed: 02/28/2006	Disposition: DENIED	
P54800	ROGERS, E	D FAC BLDG 3	MEDICAL	CEN-D-06-00570	
Level I Review:	Received: 07/26/2006	Due: 09/07/2006	Completed: 08/11/2006	Disposition: CANCELLED	
P54800	ROGERS, E	D FAC BLDG 3	MEDICAL	CEN-D-06-00904	
Level I Review:	Received: 09/14/2006	Due: 10/27/2006	Completed: 10/27/2006	Disposition: DENIED	
Level II Review:	Received: 11/06/2006	Due: 12/07/2006	Completed: 11/14/2006	Disposition: DENIED	

Centinela State Prison

05/13/2008

CALIFORNIA DEPARTMENT OF CORRECTIONS

Inmate/Parolee Appeals Tracking System - Level I & II

Appeal Listing

Sorted By: CDC Number

CDC Number	Appellant Name	Area Of Origin	Issue	Log Number	Group Appeal
Level III Review:			Completed: 05/16/2007	Disposition: DENIED	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-06-01165	
Level I Review:	Received: 12/04/2006	Due: 01/24/2007	Completed: 02/09/2007	Disposition: GRANTED IN PART	
Level II Review:	Received: 02/15/2007	Due: 03/16/2007	Completed: 03/15/2007	Disposition: GRANTED IN PART	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-07-00690	
Level I Review:	Received: 06/26/2007	Due: 08/08/2007	Completed: 08/13/2007	Disposition: GRANTED IN PART	
Level II Review:	Received: 08/21/2007	Due: 09/19/2007	Completed: 09/20/2007	Disposition: GRANTED IN PART	
Level III Review:			Completed: 12/21/2007	Disposition: GRANTED IN PART	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-	
P54800	ROGERS, E	D FAC BLDG 3	STAFF COMPLAINTS	CEN-D-07-01377	
Level I Review:	Received: 11/26/2007	Due: 01/09/2008	Completed: 12/13/2007	Disposition: GRANTED IN PART	
Level II Review:	Received: 12/18/2007	Due: 01/17/2008	Completed: 01/14/2008	Disposition: GRANTED IN PART	

Total: 17

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Rogers, Esau v. Rivas, et al.**

No.: **07-CV-02010 W-JMA**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On May 16, 2008, I served the attached **DECLARATION OF D. DeGEUS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

Esau Rogers
P-54800
Centinela State Prison
P.O. Box 731
Imperial, CA 92251-0731

In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 16, 2008, at San Diego, California.

J. Grand	[signature]
Declarant	Signature

70124007.wpd